

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTOINE TAYLOR,

v.

Plaintiff,

**11-CV-0934
(SJF)(GRB)**

NASSAU COUNTY, THE NASSAU COUNTY POLICE
DEPARTMENT, NASSAU COUNTY POLICE
COMMISSIONER LAWRENCE MULVEY, FIRST
DEPUTY COMMISSIONER ROBERT MCGUIGAN,
SECOND DEPUTY COMMISSIONER WILLIAM
FLANAGAN, ASSISTANT COMMISSIONER DAVID
MACK, ASSISTANT COMMISSIONER ROBERT
CODIGNOTTO, CHIEF OF THE DEPARTMENT
STEVEN SKRYNECKI, CHIEF OF PATROL JOHN
HUNTER, JOHN DOES COMMISSIONERS AND
SUPERVISORS, POLICE OFFICER KEITH ROGICH
AND JOHN DOE POLICE OFFICER,

**DECLARATION OF
PETER A. LASERNA**

Defendants.

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PETER A. LASERNA, an attorney admitted to practice in the United States District Court for the Eastern District of New York, declares, pursuant to 28 U.S.C. §1746, under penalty of perjury, as follows:

1. The undersigned is employed as a Deputy County Attorney, in the Office of John Ciampoli, Nassau County Attorney, and hereby represents defendants County of Nassau and Keith Rogich (the “County Defendants”) in the above-captioned action, and as such, is fully familiar with the facts and circumstances set forth herein.
2. This Declaration and attached exhibits are being submitted in support of the County Defendants’ motion for summary judgment pursuant to Federal Rule of Civil Procedure 56.
3. Attached hereto as Exhibit (hereinafter referred to as “Exh.”) A, is a copy of Plaintiff’s Complaint, filed 2.25.11.
4. Attached hereto as Exh. B, is a copy of County Defendants’ Answer, dated 4.26.11, filed 4.26.11.
5. Attached hereto as Exh. C, is a copy of the transcript of the deposition of Antoine Taylor, taken on 1.18.12.

6. Attached hereto as Exh. D, is a copy of the transcript of the deposition of Keith Rogich, taken on 11.18.11.
7. Attached hereto as Exh. E, is a copy of the transcript of the deposition of James Cereghino, taken on 1.10.12.
8. Attached hereto as Exh. F, is a copy of the transcript of the deposition of Michael Knatz, taken on 1.27.12.
9. Attached hereto as Exh. G, is a copy of the transcript of the deposition of Dale Denehy, taken on 1.5.12.
10. Attached hereto as Exh. H, is a copy of the transcript of the deposition of Thomas Kearney, taken on 1.4.12.
11. Attached hereto as Exh. I, is a copy of the transcript of the deposition of Angela Thomas, taken on 4.20.12.
12. Attached hereto as Exh. J, is a copy of the transcript of the deposition of Edgar Campos, taken on 5.16.12.
13. Attached hereto as Exh. K, is a copy of the transcript of the deposition of Maria Jurado, taken on 4.30.12.
14. Attached hereto as Exh. L, is a copy of a Parole Warrant for the Arrest of Antoine Taylor, issued on 8.7.09, bates-stamped Nassau County 000180-181.
15. Attached hereto as Exh. M, is a copy of a Village Court of Hempstead Bench Warrant for the Arrest of Antoine Taylor, dated 8.13.09, bates-stamped Nassau County 000182-183.
16. Attached hereto as Exh. N, a copy of the transcript of the allocution of Antoine Taylor for his criminal convictions, taken on 12.8.10.
17. Attached hereto as Exh. O, is a copy of a Certificate of Disposition indicating that Plaintiff was convicted on 12.8.10 of Reckless Endangerment in the First Degree, New York Penal Law § 120.25, a Class D Felony, and Manslaughter in the First Degree, New York Penal Law § 125.20, a Class B Felony, bates stamped Nassau County 000216.
18. Attached hereto as Exh. P, is a copy of the transcript of the deposition of Sergeant John F. Carney, taken on 1.27.12.
19. Attached hereto as Exh. Q, is a copy of the transcript of the deposition of Edward Alonge, taken on 12.23.11.
20. Attached hereto as Exh. R, is a copy of the transcript of the deposition of Kevin McCarthy, taken on 12.23.11.

21. Attached hereto as Exh. S, is a copy of a Statement of Antoine Taylor taken by Detective James Cereghino on October 2, 2009, bates-stamped Nassau County 000178-179.
22. Attached hereto as Exh. T, is a copy of Nassau County Police Department Rules, Arrests, Art. 17, Rule 1, bates-stamped Nassau County 000003.
23. Attached hereto as Exh. U, is a copy of a Nassau County Police Department Arrest Report, Arrest on 9.26.09 for Attempted Murder in the First Degree, Violation of Parole (based on warrant for arrest), and a Vehicle and Traffic Law Violation (based on warrant for arrest), bates-stamped Nassau County 000012-13.
24. Attached hereto as Exh. V, is a copy of a Nassau County Police Department Arrest Report, Arrest on 11.25.09 for Second Degree Murder, bates-stamped Nassau County 000026-27.
25. Attached hereto as Exh. W, is a copy of a Nassau County Police Department Crime Report for 11.25.09 Arrest, bates-stamped Nassau County 000020.
26. Attached hereto as Exh. X, is a copy of relevant portions of the Nassau County Charter.
27. Attached hereto as Exh. Y, is a copy of the District Court Felony Complaint against Antoine Taylor for Attempted Murder in the First Degree, bates-stamped Nassau County 000024.
28. Attached hereto as Exh. Z, is a copy of the District Court Felony Complaint against Antoine Taylor for Murder in the Second Degree, bates-stamped Nassau County 000029.
29. Attached hereto as Exh. AA, is a copy of a Firearms Discharge Report, completed by the Nassau County Police Department, bates-stamped Nassau County 000004.
30. Attached hereto as Exh. BB, is a copy of a pertinent section of the Nassau County Police Department Procedure, Firearms Discharge Report, bates-stamped Nassau County 000035-36.
31. Attached hereto as Exh. CC, is a copy of Use of Force Lessons Plans for the Nassau County Police Academy, bates-stamped Nassau County 000047-65.
32. Attached hereto as Exh. DD, is a copy of Definitions for Use of Force utilized by Nassau County Police Academy, bates-stamped Nassau County 000066-79.
33. Attached hereto as Exh. EE, is a copy of Guidelines on Use of Force utilized by Nassau County Police Academy, bates-stamped Nassau County 000080-87.

34. Attached hereto as Exh. FF, and filed with the Court under seal, is a copy of the Training Record for Officer Keith Rogich, summarizing his relevant parts of his training at the Nassau County Police Academy, bates-stamped Nassau County 000220-224.
35. Attached hereto as Exh. GG, is a copy of a map taken from Google Maps. The symbol with an "A" indicates the location of 152 West Graham, Hempstead, New York. The rest of the map depicts areas of Hempstead, New York which are relevant to the instant matter. This map is being provided as a demonstrative aid for the Court.
36. As set forth more fully in the accompanying Memorandum of Law, the County Defendants respectfully submit that an Order granting the County Defendants' summary judgment pursuant to Federal Rule of Civil Procedure 56 is warranted.

Dated: Mineola, New York
June 25, 2012

John Ciampoli
Nassau County Attorney
By: _____/s/
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Deputy County Attorney
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Attorney for the County Defendants

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